

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

November 21, 2022  
10:00 A.M.

=====X  
IN RE:

Case No. 122-42003-ESS

ROBERT P ANGONA, SR.,  
dba THE ROBERT GROUP

Hon. ELIZABETH S. STONG

**NOTICE OF MOTION**

Debtor.  
=====X

PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee will move this court before the Hon. Elizabeth S. Stong, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 271 Cadman Plaza East, Brooklyn, New York Courtroom 3585, on November 21, 2022 at 10:00 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

**Any hearing on the within application will be held telephonically only. No in-person hearing will be held in the Courthouse.**

Any party appearing telephonically must register their appearance at least one business day before the hearing. The Judge's Procedures, including the instructions and web link for registering for a court hearing appearance, are posted on the Court's website at <https://www.nyeb.uscourts.gov/content/judge-elizabeth-s-stong>. CALL-IN INFORMATION: Dial 888-808-6929; Access Code – 8523285#.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Bankruptcy Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York  
November 4, 2022

/s/ Krista M. Preuss  
KRISTA M. PREUSS, TRUSTEE  
100 JERICHO QUADRANGLE, STE 127  
JERICHO, NY 11753  
(516) 622-1340

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EASTERN DISTRICT OF NEW YORK

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IN RE:

Case No: 122-42003-ESS

ROBERT P ANGONA, SR.,  
dba THE ROBERT GROUP

Hon. ELIZABETH S. STONG

**APPLICATION**

Debtor.

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TO THE HONORABLE ELIZABETH S. STONG U.S. BANKRUPTCY JUDGE:

Nathan Z. Kaufman, Staff Attorney to KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on August 22, 2022, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.

2. The Debtor's proposed Chapter 13 Plan (hereinafter the "Plan"), dated September 1, 2022, does not provides for any Plan payments. The Plan does not propose treatment of any creditors.

3. The Trustee objects to the confirmation of the Plan because the Plan is incomplete and cannot be implemented.

4. The Debtor's budget, schedules I and J, indicates the Debtor has a negative net monthly income, demonstrating the Debtor cannot afford all payments under the Plan as required by 11 U.S.C. §1325(a)(6).

5. The Trustee objects to the confirmation of the Plan because the Plan is not sufficiently funded to pay all priority creditors in full as required by 11 U.S.C. §1322(a)(2).

6. Furthermore, the Debtor has failed to:

- a. commence making Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. § 1326(a)(1); and
- b. provide the Trustee with a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i); and
- c. provide the Trustee with disclosure documentation as required by E.D.N.Y LBR 2003-1; and
- d. serve the plan on the trustee and all creditors within 7 days of filing of the plan and file proof of service there of as required by E.D.N.Y. LBR 3015-1(b).

7. The Plan cannot be confirmed and as a result a delay has occurred that is prejudicial to the rights of creditors. The case must be dismissed under 11 U.S.C. § 1307(c)(1) and (c)(5).

8. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case, and such other and further relief as may seem just and proper.

Dated: Jericho, New York  
November 4, 2022

s/Nathan Z. Kaufman  
Nathan Z. Kaufman, Staff Attorney  
Chapter 13 Trustee Krista M. Preuss

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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Case No: 122-42003-ESS

IN RE:

CERTIFICATE OF SERVICE

ROBERT P ANGONA, SR.,  
dba THE ROBERT GROUP

Debtors.

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I, Kristin Wenzel, declare under penalty of perjury that I have sent the attached document to the below listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Notice by first class mail was sent to the following persons/entities:

ROBERT P ANGONA, SR.  
23-67 19th STREET  
ASTORIA, NY 11105

Notice by electronic transmission generated by the ECF system to the following person/entities pursuant to Bankruptcy Rule 9036:

Rushmore Loan Management Services, LLC c/o Gross Polowy, LLC, [cwilliams@grosspolowy.com](mailto:cwilliams@grosspolowy.com)

Transmission times for electronic delivery are Eastern Time zone.

This November 4, 2022

/s/ Kristin Wenzel  
Kristin Wenzel, Paralegal  
Office of the Standing Chapter 13 Trustee  
Krista M. Preuss  
100 Jericho Quadrangle; Ste 127  
Jericho, NY 11753  
(516) 622-1340

CASE NO: 122-42003-ESS  
Hon. ELIZABETH S. STONG

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

ROBERT P ANGONA, SR.,  
dba THE ROBERT GROUP

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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KRISTA M. PREUSS, TRUSTEE  
100 JERICO QUADRANGLE, STE 127  
JERICO, NY 11753  
(516) 622-1340